

Department of Corrections Advisory Council
Meeting Minutes
Nov. 16, 2005
Room 317, Capitol Helena, Montana

Members Present

Lt. Gov. John Bohlinger, chairman; Sen. Steve Gallus, vice chairman; William Dial; Bob Ross; Sen. Jim Shockley, Dorothy Bradley, Rep. Tim Callahan, Rep. Veronica Small-Eastman, Sen. Mike Cooney, Red Menahan, Gloria Edwards, Rep. Gail Gutsche, Commissioner Allan Underdal, District Judge Joe Hegel, Commissioner Adam Gartner, Sheriff David Castle and Valerie Weber.

Welcoming Remarks

Gov. Brian Schweitzer shared his vision and challenged the council to find new directions for corrections. He focused his speech on re-entry and the methamphetamine problem facing the nation. He mentioned the Crazy Dog Society and how the program works with the Canadian Indian offenders and how it could relate to Montana. The governor closed by thanking the council members for their participation.

Chairman Bohlinger introduced himself and asked each member to introduce themselves. He talked briefly about the overcrowding issues and the impact that methamphetamine has on the corrections system.

Director Bill Slaughter introduced himself and the staff to the council and explained that the main focus of this meeting would be to brief the members about corrections and the current state of affairs of the department. The director mentioned the executive order that revised the council's purpose and duties to include a study of some aspect of the corrections system. The director also asked the council to appoint an interim study subcommittee of four or five members to meet with department staff and settle on a proposed study topic.

The director handed out the department's organization chart and gave an overview of the corrections system. He introduced the administrators of each division, which make up the director's management team.

Naming of Vice Chairman

Chairman Bohlinger asked for nominations of a vice chairman. He accepted a motion naming Sen. Gallus with Sen. Shockley seconding. The council approved.

Population Report and Budget Impacts

Rhonda Schaffer, Fiscal Bureau chief, reported that corrections has a goal to have 80 percent of offenders placed in the community and 20 percent housed in secure custody. During the last legislative session, contract beds (contract facilities, regional prisons and county jail holds) was appropriated \$17.6 million for those expenses. This included funding for a 40-bed chemical dependency treatment center for methamphetamine. The department also was told to create a 256-bed facility for special-needs inmates. In 2005, DOC's expenditures for contract beds was \$19.9 million. Over the past six years, the department has built 940 secure facility beds. Currently, Montana's regional and private prisons are full. The county jail population is reaching an all-time high. The council was told the entire corrections system is growing at about 7 percent, which equates to one additional person daily. Even with the current bed expansions the department is working on for the next three years, the growth rate means the system still will be faced with a shortage of beds.

Questions:

Sen. Shockley asked for a breakdown of the annual release numbers for the men's prison. He stated we could get those figures to him later.

Sen. Cooney asked for more information on the amount of nonviolent offenders incarcerated and how many of them make up the numbers for recidivism. The department will supply a breakdown. The director also referred to the top 10 offenses which include theft and burglary. Not like in the past when the motivation was greed, now the motivation is to feed a drug habit, he said.

Mr. Menahan asked how many have committed a new crime and how many have violated conditions. Warden Mike Mahoney stated that approximately 46-48 percent of admissions are violations. Director Slaughter also answered that in 2004 for female first-time offenders, 81 came back on a new conviction. That represents 23 percent of the total returns to prison. Another 158 (46 percent) came back on violations of conditions that the judge placed on them in their community placement. For male first-time offenders in 2004, 399 (23 percent) returned on a new conviction and 610 (36 percent) came back for violating condition of their probation. Another 10 percent were previous offenders, which accounted for 46-48 percent of admissions. A technical violation return to prison is not just for one violation. It takes much more to be returned to prison.

Montana State Prison

Warden Mahoney invited council members to tour the facility, as the scope of the operation could not be described in depth at the meeting. The warden informed the council of the impact that overcrowding has on his facility. MSP currently has 80 to 120 offenders classified for the low-security section of the prison that are residing in the high-security section, as that offers the only available bed space for them. He said that is not good practice, as those inmates don't belong at that

level of security, mixed with inmates that do. MSP has predatory and special-needs inmates with separation needs, and overcrowding poses an issue of placement and safety of these inmates. These are just a couple of issues that he is facing. The small things that staff cannot address can grow into big issues if overcrowding is not solved.

Montana Women's Prison

Warden Jo Acton said the women's population has grown at an astounding rate. There has been a 25 percent increase in the past year with an expected 10 percent increase in the next year. The facility, which the department had to work very hard to expand to 205 beds, is close to 300 inmates. The prison is using bunk beds in the cells to accommodate the overcrowding. Methamphetamine and its peripherals have a huge impact on the number of inmates. About 62 percent of women coming into the facility have children and the majority of offenders are not considered dangerous, but that does not mean they do not have victims. Warden Acton also extended council members an invitation to visit the prison.

Director Slaughter commended the warden on her work with the Prison Paws for Humanity project. He said the new embroidery shop at MWP has offered offenders much needed job skills.

Questions:

Sen. Gallus requested a short briefing on the Prison Paws for Humanity project and the effect it has on behavioral issues. The warden explained the 28 women involved basically run the program and there are no behavioral problems. It is a very positive therapeutic community.

Sen. Cooney thanked Warden Acton and reiterated the statistic that 62 percent of women in the facility have children. He is concerned with the number of incarcerated parents and the impact on their families. The senator would like to be able to track these statistics. He would also like to include this in a discussion at a future meeting.

Ms. Bradley asked if DOC has comparable data to other states regarding nonviolent crimes. She was told this is hard to compare as each state has its own statutes.

Board of Pardons and Parole

Craig Thomas, executive director, explained the duties of the board and briefed the council on release efforts the BOPP has been working on. In the last three years, the board has reviewed over 9,000 cases and has released 2,210 offenders. Of those, 559 were returned as violators and 52 had committed new crimes. The majority of returning offenders are for technical violations. Mr. Thomas stated that technical violators do not return to prison because of a single

violation. Many other factors are involved in those cases, i.e., violators are not returned to prison after a single drinking violation. Each case is reviewed and the offender has had ample opportunity in working with his or her parole officer, and is afforded every opportunity to succeed in the community. If it is determined that the offender is a substantial risk to the community, then they are returned to prison. The Board and DOC recently worked together to review whether a substantial amount of offenders, within a year of discharging their sentence, could be paroled. Thomas said 98 offenders were reviewed but only 14 qualified. Disqualification included such criteria as new charges pending or warrants for their arrest, misconduct in the institution, or being ordered ineligible for parole by a judge. In 2005, the profile review process was changed enabling the board to change dispositions in approximately 120 cases. The board reviews over 100 cases per month, along with 100 administrative reviews. The board is very encouraged with the efforts the Department of Corrections is making to offer more programs to curb recidivism.

Questions:

Rep. Small-Eastman asked if the American Indian BOPP board members attended all hearings involving Indian inmates. Thomas stated they do not.

Mr. Menahan asked for a list of all possible technical violations and an anonymous example of a case where an offender was remanded back to prison. Craig Thomas said that he would and gave an example of being violated with drug and alcohol abuse and misdemeanor crimes. In most cases, some type of sanction or stricter restrictions are applied prior to the return to prison.

Rep. Gutsche wanted a reiteration of the number of cases reviewed. Thomas answered that in the last three years, the board has reviewed over 9,000 total cases and has released 2,210 offenders.

Rep. Gutsche asked for a comparison with other states. Thomas stated he can try but each state has different requirements.

Sen. Shockley stated that he was involved in a case in which the offender was eligible for parole on completion of treatment, didn't get the treatment, and was subsequently denied. How often does this happen?

Craig Thomas stated that, due to the number of offenders in the system, this does happen. Most inmates that are close to becoming parole eligible are put at the top of the treatment program lists. Thomas used the example of sex offender treatment programs which take approximately three years to complete. A large percentage of sex offenders are parole eligible but are a substantial risk to the community without taking sex offender treatment first, so they are denied.

Rep. Callahan asked what kind of resources would be needed to provide required treatment on a timely basis and requested data on the subject. Director Slaughter stated that overcrowding is a factor in delayed treatment. Warden Mahoney gave the example of inmates that are classified for the low side where treatment is available, being housed on the high side because that is the only bed space available. It is also a struggle to recruit qualified individuals to fill program vacancies, he said. Another issue is, even though treatment is court ordered, some inmates do not want the treatment, do not attend scheduled classes, or are disruptive when they do attend.

Craig Thomas stated that Connections Corrections has added a great deal to the successful treatment of offenders as well as the men's and women's WATCH (DUI treatment centers) program.

Rep. Callahan asked how long of a delay there is when the board approves an inmate for parole vs. when they actually are released.

Thomas stated that the board grants a number of paroles with conditions, such as parole on completion of prerelease, sometimes the local screening committees will deny the offender and the board will have to review to find an alternative. Probation and parole officers have 30 days to investigate placements and the board releases a list of those on a weekly basis. Most paroles are not delayed unless the offender's parole plan is inadequate. Interstate compacts take from 60 to 90 days to process.

Rep. Callahan asked if we have worked on other options to shorten these delays. Craig Thomas said he would review the process and do what he could to speed things up.

Ms. Weber requested more information on the parole function. She would like information as to offender capacity for treatment programs at the facilities.

Sen. Shockley recommended we build a very low security facility at Deer Lodge for placement of offenders that are paroled (upon completion of prerelease) but didn't pass the requirements of the screening committees, until they are qualified for prerelease or community placement.

Director Slaughter stated he would like to be able to educate the screening committees so they are better informed about the process of the parole and accept these offenders in their prereleases. At the moment, one of the hardest to place is sex offenders, no matter what type or level of sex offender they are.

Ms. Bradley had concerns about status sex offenders, and requested the issue be revisited at a future meeting.

Potential Out-of-State Transfer

Director Slaughter explained to the council that he has written a letter to the governor about the potential need to move offenders out of state due to the growth in the prison population. MSP was built to house 941 inmates. It held 1,501 as of Nov. 3, 2005, which is 94 over operating capacity and 56 more than emergency capacity.

MWP was built to house 214. As of Nov 3, 2005 it held 234, which is 21 more than maximum capacity and three more than emergency capacity. The Great Falls Regional Prison was designed to house 78 inmates. As of Nov 3, 2005 it held 155, which is three more than its emergency capacity.

The Glendive Regional Prison had 144 inmates, which matches its emergency capacity. Crossroads Correctional Center held 510 inmates, which is 30 more than the emergency capacity. Missoula Assessment and Sanction Center had 130 inmates and 141 inmates in county jails awaiting space in prison. When the number reaches 200 in county jails, Slaughter said the system is full and no movement is possible.

He said Montana's prison system continues to operate in a way for which it was not designed. Corrections Corporation of America (CCA) and the U.S. Marshal's Service have proposed a 288 bed expansion in Shelby. The Marshal's Service wants space in the jails to keep their offenders close to the federal courts, but state inmates are taking up the space. The plan calls for room for 188 state inmate beds, 108 for men and 80 for females. CCA states they can have the expansion done in 10 to 12 months. There is a new revocation center in Warm Spring that is expected to open up Dec. 15, 2005, to help divert males that are prison-bound, a "half way back" program in lieu of being sent back to prison.

Approximately 85 beds are available in the old reception unit at MSP. It is ready to open, but staffing is an issue. These two programs will be a temporary release to ease the overcrowding but will not be a long-term solution. The only way DOC can relieve the pressure is contemplate moving offenders out of state, Slaughter said. The worst-case scenario due to overcrowding would be a death of a staff member or a riot, he said. The DOC has to have a security net in case something like this should happen. Moving inmates out of state is expensive and has other ramifications as well. Neither the DOC nor the administration is happy with the possibility, but it must be discussed.

Questions:

Sen. Shockley asked how much per day this will cost.

Director Slaughter reported that it would be close to same rate at about \$50 a day, not including transportation nor having a full time staff person at the facility.

Sen. Shockley added that the transportation cost would be significant.

Mr. Menahan said the last time DOC moved inmates out of state there were problems mixing our inmates with the inmates from other states. He asked where they would be sent and if there were choices.

Director Slaughter stated that the DOC was looking at possibly Minnesota and Colorado. Wyoming was one choice, but they are now facing the same overcrowding problem as Montana.

Mr. Underdal asked what time frame DOC is looking at for the potential out of state move and how many inmates would be sent.

Director Slaughter explained that he doesn't want to move out of state. The DOC wants to look at other alternatives.

Sen. Shockley said he is concerned about the move. His main concern is safety and he talked about a move that the federal government did some time ago where out of state inmates were killed when housed with the other states' inmates.

Director Slaughter agreed that he is concerned about the same things. DOC would request segregation and use the classification system of the receiving state to avoid wrongful placement.

Rep. Small-Eastman asked who paid for the DOC inmates in the county jails.

Director Slaughter informed that the DOC pays for those inmates.

Mr. Castle asked if the DOC could provide a breakdown of the fiscal growth that has come with the offender population growth over the years.

The DOC will get the requested data.

Staffing Shortages

Steve Barry, administrator of human resources for the department, covered the issues that DOC faces with recruiting in smaller population demographics and the issues the department is having in recruiting in the professional fields. The corrections business is not attractive because of the type of business conducted and the perception of danger. Mr. Barry also talked about recruiting efforts using commercials, new brochures, and the recruitment bonus plan for staff to help in the recruiting effort. The human resources team is designing a way to track the success of these recruiting efforts.

Questions:

Mr. Ross commented that licensed addiction counselors and LPN's are very hard to come by. His question was if there is a clear career path when people apply as a correctional officer.

Warden Mahoney answered that there is a career path at MSP, including a possibility of becoming the warden. Most of his upper level staff has worked their way up through the ranks.

Mr. Dial wanted to know what the qualifications are for a correctional officer and what the retention plan is.

Steve Barry stated that a high school diploma or GED is required and there are other minimal requirements. It is the background check that takes a major part in the process.

Ms. Weber asked if the department offers off-hour shift incentives and child care as a recruitment tool.

Steve Barry stated that the DOC is in the process of looking at these barriers in recruitment.

Rep. Small-Eastman stated that Indians are not compared in the unemployment rate presented and that it is one issue that must be addressed.

Mahoney explained that the DOC is very interested in recruiting Indians and would like help in overcoming that obstacle.

Mr. Underdal added that Shelby is attempting to recruit Indian workers. The major issue is transportation to and from the reservations.

Employee Transportation System

J.D. Lynch gave a presentation on the transportation survey. The survey will be used to measure interest in an employee bus system through the Deer Lodge Valley and Boulder area, determine high traffic times, the willingness to pay for the service and to identify issues pertinent to recruitment and retention.

Inmate Transportation Contract Update

Warden Mahoney gave a brief overview of the inmate transportation system. In Montana, inmates move on a daily basis to and from 56 counties and to other facilities. There are two systems, the Northwest Shuttle system and MSP transportation system. The Northwest Shuttle system was discontinued by the counties. The state stepped in and contracted with TransCor to take over the duties of the shuttle on a short-term basis. The department put out a request for proposal (RFP) for a transportation system and three companies applied. There was close scoring on the RFP. Currently the contract with TransCor is approximately \$30,000 a month. The RFP's averaged around \$245,000 a year. The warden wants to propose to the director that the department take a look at expanding MSP transportation to take over the duties of the entire transportation system.

Sen. Shockley asked what the gas bill per year is.

Warden Mahoney will get that number for the senator.

Sen. Shockley stated that cost of gas should reflect on our choice for locating facilities and how we do business.

Warden Mahoney stated that that was just one factor of the transportation system and explained that the system is much larger than he had time to explain at this meeting.

Lt. Gov. Bohlinger stated that the council would revisit this issue at a later date.

Project Updates:

Probation & Parole Officers

Mike Ferriter, administrator of adult community corrections, commended the probation and parole officers and the fine job they are doing for Montana. Around 8,500 felony offenders (or 75 percent of the total) are under supervision in the community. It costs \$3.75 a day to supervise someone on probation. The DOC wants to move toward 80 percent of the offenders on community supervision. Statistically, one in 31 people in the United States is under supervision of some sort. The Legislature approved 19 additional P&P officers, with 16 for this fiscal year. Currently these officers are completing training and will graduate this week.

Prerelease Centers

Prerelease centers are operated by contracted private, non profit companies. The Legislature approved expansion of center capacity by 300 beds. The centers are in the process of expansion and there are 100 of those beds already online. Currently there are 671 offenders in prereleases in five communities in Montana. Bozeman will have one established shortly. Billings will be building a stand-alone facility that caters to the female population. Generally, offenders are in prerelease for six months. Mr. Ferriter reiterated the importance of the screening committees, which gives the communities a say on who is accepted into their community. Most prereleases could not be sited in these communities without this option.

Revocation Center

DOC is in the process of contracting with a private non profit company (CCCS) to run the center. It is an 80 bed facility in the old forensic unit on the Warm Spring campus with the target completion date of Dec. 12th. It will be a two step concept. As a sanction, the DOC has the authority, via statute, to place probation status offenders in an incarcerated status for up to 30 days for violating the conditions of their probation. The DOC also has the authority to place an offender who violates parole, prerelease or conditional release conditions, in an incarcerated status for up to 30 days. The other side of the facility is for revocations. This is for offenders on their way back to prison for violations of conditions imposed on their parole, prerelease or conditional release.

Methamphetamine Treatment

Mr. Ferriter gave an overview of the current chemical-dependency and DUI treatment programs which are contracted with a private nonprofit company. These programs are all over the state. The DOC has put out an RFP for a 120-bed methamphetamine treatment center, with a nine-month inpatient program, followed by 6 months in a prerelease center. The award date is scheduled for March 1, 2006.

Questions:

Ms. Edward asked if it will be for both sexes.

Mike Ferriter affirmed that it would be for both.

Ms. Bradley wanted to know if the length of stay decreases to 180 days at prerelease made a difference.

Mike Ferriter stated that it has made a positive difference.

Mr. Ross asked if the revocation center does chemical-dependency assessments and mental health screening.

Mike Ferriter stated that those screenings are an expectation of the contract.

Mr. Ross asked if the DOC subsidizes post-release treatment costs.

Mike Ferriter stated that one of the foundations of prerelease is that the offenders get established and that they pay for a lot of their own costs. The DOC does try to help with special-needs costs.

Judge Hegel commented on how effective drug and mental health courts are and how they are being implemented in Montana.

Mike Ferriter added that it will be a part of his executive planning (budget) process request to add additional P&P officers to help with drug courts as they expand throughout Montana.

Sen. Gallus asked about the beds at Missoula Assessment and Sanction Center (MASC).

Mike Ferriter stated that there are currently only ten beds allocated for sanctions at MASC.

Sen. Gallus asked for data on success of sanctions.

Mike Ferriter stated that he didn't have that data, but one of the biggest responses to sanctions was that offenders do not like to return to jail.

Old Reception Center

Warden Mahoney said legislative intent was to open the old reception center to use as a sanction center. What the DOC found was that it was about to place a community-based option in a prison. Logistically, it was not feasible with regards to security, etc. The warden suggested use of the old reception center as an overflow unit. The main issue is staffing. One of the conditions of opening the

Martz Diagnostic and Intake Unit (MDIU) was that it would have to be staffed with current staff. A prospective opening date could be in late February or early March.

Public Comment

Mike Thatcher of Community Counseling and Correctional Services wished to make a few additional points on the revocation center in Warm Springs that he was contracted to operate. He said the facility will use a comprehensive array of assessments in screening offenders. They also will use a relapse prevention program and criminal rethinking restructuring program.

The center will also have an on site medical director that will save the DOC and the taxpayers a substantial amount of money in doing assessments. There will also be four full-time transportation staff, which will save money by handling all transportation for the center. Information on the program will be available in the near future for the council.

Questions:

Ms. Bradley asked if DOC plans on using video conferencing as it is a huge money saving prospect and get everyone on the same system. Judge Hegel stated that video conferencing is safe and cost effective.

Director Slaughter stated that the DOC is moving forward with VisionNet, which is the system the state court systems use.

American Indian Corrections

Director Bill Slaughter reported on the Crazy Dog Society that Gov. Schweitzer mentioned. The use of healing circles was a main focus of the trip to Canada, in which he, corrections staff and staff from the governor's office visited with Blackfoot tribal members about the program. The healing circle uses elders who are involved in working with people before their trial. It involves anger management, community service and peer pressure from the elders and family members. Another aspect was gained from the visit was the role of a native court worker. The native court worker helps the accused deal with the foreign aspect of the system, explains the process and acts as an advocate for the offender.

Special-Needs Facility

Warden Mahoney said the department has identified the following groups as those with special needs who could be housed in such a program:

- Medical – Chronic Care

- Mental Health

- Security Threat Groups (STG) – there is a big influx of gang activity

- Predatory/Antisocial – close custody type offenders

DOC is anticipating the possible RFP release in January and about 6-9 months for submission of proposals.

Questions:

Rep. Callahan asked about sex offenders.

Mike Mahoney said the main focus of MSP is the security-threat groups. The DOC would like to look at sex offenders in a different light which was mentioned earlier.

Inmate Suicides

Warden Mahoney said that, historically speaking, suicides are the hardest thing that staff and other inmates have to deal with. MSP has made changes to address the issue, such as removing shoe aces, changing vents, security gowns, and security mattresses. The new intake unit monitors the inmate for warning signs on intake, such as self-arm behavior. There are improvements with training on suicide awareness and prevention measures. MSP is working in a proactive way to prevent self harm with awareness of smaller things, such as an inmate who gets a "Dear John" letter.

Questions:

Sen. Gallus reiterated on the things that MSP has significantly done to help prevent suicides.

Sen. Cooney asked what protocol we have for MWP. Warden Acton stated that the women attempt suicide more and do a lot of self harm, but tend to not go through with it.

Proposed Crossroads Correctional Center Expansion

Director Bill Slaughter said that, because of overcrowding, the U.S. marshal asked CCA to expand. They can expand the facility, but have to get licensed through the DOC. The plan forwarded to the DOC would fill the gap before our other RFPs come online. The proposed plan is an expansion of 288 beds. The marshal would immediately use approximately 100 beds. The DOC came up with a proposal to trade the beds that we have in the county jails to the marshal and utilize the beds in Shelby. The administration has concerns about privatization. In the United States, the average percent of privatized beds in corrections is about 6 percent to 7 percent. Currently in Montana it is about 14 percent. The fear is that if you have too many private beds, they end up controlling the system.

Questions:

Sen. Gallus asked if the 14 percent figure includes total offenders supervised by the state.

Director Slaughter said it just refers to those in secure care.

Ms. Weber asked if this was a temporary solution.

Director Slaughter stated if you build the beds they probably will be used indefinitely.

Ms. Weber stated she was not a proponent of privatization and wanted to know how much these beds will cost.

Director Slaughter answered that the cost would be less than MSP because of economy of scale.

Mr. Dial commented on DUI issues and that they are releasing these people because there is no place to put them.

Director Slaughter stated that the DOC is also a financial partner with counties.

Sen. Shockley is philosophically against privatization. The senator stated, though, he is not unhappy with how CCA operates. He is concerned and uncomfortable with the language of the contract. His opinion is the state should build in Deer Lodge on property the state already owns.

Director Slaughter said that the state has the property but that staffing struggles in the Deer Lodge valley also need to be considered.

Sen. Gallus shares Sen. Shockley's concern about privatization.

Tony Grande, CCA spokesman, stated that CCA was willing to work with Sen. Shockley to adjust the contract.

Sen. Shockley talked about the contract, the lender and issues he had about the contract.

Tony Grande asked for Sen. Shockley to write a letter with his requests, and they would answer, and work with Sen. Shockley to clarify the language in the contract.

Sen. Shockley wants a document that agrees to sell at a reasonable price.

Tony Grande is willing to do this.

Sen. Gallus thanked CCA, but he is philosophically opposed to privatization.

Mr. Menahan mentioned the taxes and services involved in Toole County.

Rep. Gutsche stated she is also philosophically against privatization. She also stated that building more beds is not the answer. She also does not like the ratio of private to public. The focus should be on the community, and the state needs to look at other options.

Mr. Underdal stated that CCA didn't come here and demand to do business with the state. They were asked. The RFP asked for 500-1,500 beds so that the option to expand was open. Three communities responded to the RFP.

He stated that CCA has been good to the community and surrounding communities. There is a good relationship between the DOC and CCA. Mr. Underdal mentioned economical development and that CCA has been a large part of that.

Rep. Small-Eastman asked if any tribes in the U.S. have prisons on their reservations that are state run.
Director Slaughter did not know of any.

Sen. Shockley stated that he agrees that CCA is doing a good job, and that he is not advocating throwing CCA out of the state. The deal was 580 beds. Build more low-security facilities, he said. Don't build a Cadillac when a Chevy will work.

Sen. Gallus stated that they were not attacking CCA or Toole County. Things are working fine and he is willing to support or help with any issues, except expansion.

Ms. Bradley asked if out of state is the only option if we do not build at CCA. Director Slaughter gave the fact that the DOC is growing at a rate of 7% a year. The whole picture is growing. Even with all the community corrections options the DOC is working on, the whole pie is still growing. Going out of state is an issue, but if we don't have a plan to bring them back, that's a problem.

Ms. Bradley asked about DOC's long term plans.
Director Slaughter stated that the short term is what is in front of us. We need to solve the issue of overcrowding. We need to focus on two things, one is the programs we are expanding in the community working and two, and the whole correctional pie is growing. Montana is not alone in addressing increased numbers of inmates and DOC has no safety net.

Rep. Small-Eastman stated that Indians who are federal inmates are being housed at Shelby. She also asked if CCA did community-based facilities.
Tony Grande stated they focus on adult secure care.

Chairman Bohlinger stated that this subject will be revisited at a later date and to return to the agenda.

Prison Rape Elimination Act (PREA)

Director Slaughter said the federal law provides for analysis of the incidence and effects of prison rape in federal, state and local institutions, and for information, resources, recommendations and funding to protect individuals staff from prison rape. It includes inmate on inmate, staff on inmate and inmate on staff. One of the main issues is that males do not report prison rape. The DOC wrote a grant application to get technical assistance for training on PREA and received great training from the National Institute of Corrections.

Questions:

Sen. Shockley wants more information on PREA.

Director Slaughter will present a PREA video at a future meeting.

Mr. Underdal asked if this affects county facilities. Director Slaughter stated it affects all secure facilities.

Rep. Gutsche asked if this focused on reporting.

Director Slaughter stated that it includes all aspects of prison rape, from reporting to investigations, to training and more.

Ms. Edwards asked if this would add any employees.

Director Slaughter said that this did not include more employees.

Global Positioning System/Day Reporting

Ron Alsbury and Michelle Jenicek of adult community corrections said both of these issues came about in the last session.

Day reporting was expanded with the prereleases in a program called the Enhanced Supervision Program (ESP). When an offender gets into trouble and violates conditions of supervision the hearing officer can place them on ESP. It is a two-prong program, which includes a weekly meeting with staff at the prerelease and daily reporting to the prerelease. This can include other requirements such as extra urinalysis testing.

GPS monitoring was enacted for level 3 sex offenders who commit their crime after July 1, 2005 to have to submit to GPS monitoring. The DOC put together a team to work on the requirements the DOC would need and to study GPS. DOC would like to have an RFP out by mid-December. DOC would like to be able to implement the program at the beginning of April. It is cellular based for easy communications, but it does have its down sides.

Sen. Cooney added that it is not a cure-all, it will not prevent crime but a tool to use as a deterrent.

Questions:

Judge Hegel asked what kind of accuracy the system would have.

Ron Alsbury stated it is quite accurate but the signal does get lost inside buildings.

The council members made it clear that they were interested in the flexibility to use this technology for other programs and as conditions of community placement.

Mr. Ferriter added that there has been electronic monitoring since 1989 and it is effective if used as a tool in conjunction with proper supervision.

Corrections Study

Chairman Bohlinger asked for four or five volunteers to be on a subcommittee to study an aspect of corrections to report back to the council. Rep. Gutsche, Mr. Underdal, Rep. Small-Eastman and Rep. Callahan volunteered to be on the study subcommittee.

Public Comment

Scott Crichton, executive Director of the Montana ACLU, talked the Legislature during the 90s consistently increasing the number of crimes, increasing the length of incarceration for those crimes, calling for mandatory sentencing, eliminating good time with truth in sentencing. He said when money gets really tight, the only option that corrections has is to eliminate programming, which is counter-productive. He said the Legislature has been a major contributor to the issues corrections is facing today. Mr. Crichton wanted to know why the council did not discuss the war on drugs, which is still driving incarceration. Mr. Crichton would like to see the council look at mental health issues and chemical dependency issues, without incarcerating these people.

Mr. Menahan wanted to comment on the positive aspects of Youth Services of the DOC. Youth Services will present at the next meeting.

Ms. Edwards stated that long-term solutions will be solved by putting money into prevention and education.

Deb Matteucci, director for the Montana Mental Health Association, stated she could not agree more with Ms. Edwards. She said efforts should be put toward prevention, but there is no money for follow-up care. She said mental health issues predate any chemical dependency issue. Mrs. Matteucci also recommends that the council look into what is broken in the system that makes repeat offenders return to the system and find solutions to solve that issue.

Jim MacDonald, warden at Crossroads Correctional Center, thanked the council and the director. The Warden invited the council members to visit the facility in Shelby, and would like to break down the barriers between public and privatization.

Plan Next Meeting

Subcommittee in December

Full council on Jan. 31, 2006 at Montana State Prison

Adjourn

Minutes, reflecting paraphrased and condensed remarks, prepared by Ted Ward, Montana Department of Corrections